

## HR 3003

### No Sanctuary for Criminals Act

**Congress:** 115 (2017–2019, Ended)

**Chamber:** House

**Policy Area:** Immigration

**Introduced:** Jun 22, 2017

**Current Status:** Received in the Senate.

**Latest Action:** Received in the Senate. (Jul 10, 2017)

**Official Text:** <https://www.congress.gov/bill/115th-congress/house-bill/3003>

### Sponsor

**Name:** Rep. Goodlatte, Bob [R-VA-6]

**Party:** Republican • **State:** VA • **Chamber:** House

### Cosponsors (15 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Biggs, Andy [R-AZ-5]	R · AZ		Jun 22, 2017
Rep. King, Steve [R-IA-4]	R · IA		Jun 22, 2017
Rep. Sessions, Pete [R-TX-32]	R · TX		Jun 22, 2017
Rep. Barletta, Lou [R-PA-11]	R · PA		Jun 26, 2017
Rep. Gaetz, Matt [R-FL-1]	R · FL		Jun 26, 2017
Rep. Jenkins, Evan H. [R-WV-3]	R · WV		Jun 26, 2017
Rep. Smith, Lamar [R-TX-21]	R · TX		Jun 26, 2017
Rep. Young, David [R-IA-3]	R · IA		Jun 26, 2017
Rep. Zeldin, Lee M. [R-NY-1]	R · NY		Jun 26, 2017
Rep. Buchanan, Vern [R-FL-16]	R · FL		Jun 27, 2017
Rep. Calvert, Ken [R-CA-42]	R · CA		Jun 27, 2017
Rep. Duncan, John J., Jr. [R-TN-2]	R · TN		Jun 27, 2017
Rep. Ratcliffe, John [R-TX-4]	R · TX		Jun 27, 2017
Rep. Renacci, James B. [R-OH-16]	R · OH		Jun 27, 2017
Rep. Arrington, Jodey C. [R-TX-19]	R · TX		Jun 28, 2017

### Committee Activity

Committee	Chamber	Activity	Date
Homeland Security Committee	House	Bills of Interest - Exchange of Letters	Feb 23, 2018
Judiciary Committee	House	Referred to	Jun 22, 2017

### Subjects & Policy Tags

#### Policy Area:

Immigration

## Related Bills

Bill	Relationship	Last Action
115 HR 7059	Related bill	<b>Oct 18, 2018:</b> Referred to the Subcommittee on Trade.
115 HR 4760	Related bill	<b>Jun 21, 2018:</b> Motion to reconsider laid on the table Agreed to without objection.
115 HR 1148	Related bill	<b>Dec 6, 2017:</b> Placed on the Union Calendar, Calendar No. 328.
115 HRES 414	Procedurally related	<b>Jun 28, 2017:</b> Motion to reconsider laid on the table Agreed to without objection.
115 HR 2431	Related bill	<b>May 24, 2017:</b> Ordered to be Reported (Amended) by the Yeas and Nays: 19 - 13.

(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)

### **No Sanctuary for Criminals Act**

(Sec. 2) This bill amends the Immigration and Nationality Act to prohibit any federal, state, or local government or any individual from prohibiting any government entity, official, or employee from complying with the immigration laws or cooperating with federal law enforcement of such laws.

The bill expands the scope of law enforcement activities relating to immigration-related information that a federal, state, or local government may not restrict or prohibit to include: (1) making inquiries to an individual in order to obtain immigration-related information regarding any individual, (2) notifying the federal government regarding the presence of individuals who are encountered by law enforcement officials or other state or local personnel, or (3) complying with federal law enforcement requests for such information.

A state or political subdivision not in compliance with such immigration enforcement provisions shall be ineligible to receive grants or assistance for: (1) incarceration of undocumented aliens; (2) the Cops on the Beat program; (3) the Edward Byrne Memorial Justice program; or (4) any Department of Justice (DOJ) or Department of Homeland Security (DHS) grant substantially related to law enforcement, terrorism, national security, immigration, or naturalization.

DHS: (1) may decline to transfer an alien in its custody to a non-complying state or political subdivision regardless of whether the state or political subdivision has issued a writ or warrant, (2) shall not transfer an alien with a final order of removal to a non-complying state or political subdivision, and (3) shall determine and report annually regarding non-complying states or political subdivisions.

At the request of the House or Senate Judiciary Committee, DHS shall issue a compliance report about any state or political subdivision. A non-complying jurisdiction shall be ineligible for federal financial assistance for at least one year and shall become eligible only after DHS certifies that it is in compliance.

Funds that are not allocated to a noncomplying state or political subdivision shall be reallocated to a complying state or political subdivision.

(Sec. 3) In the case of an individual who is arrested by any federal, state, or local law enforcement official or other personnel for the alleged violation of a criminal or motor vehicle law, DHS may issue a detainer to any federal, state, or local law enforcement entity, official, or other personnel if DHS has probable cause to believe that such individual is an inadmissible or deportable alien. (Current law applies only to an individual arrested for a controlled substance violation and requires an enforcement officer to have reason to believe that such individual is unlawfully present in the United States.)

The bill prescribes probable cause criteria.

DHS may take custody of a properly detained individual within 48-96 hours after the date that the individual is otherwise to be released from federal, state, or local custody.

The bill provides states, political subdivisions, official personnel, and contractor entities and personnel with immunity from liability for temporarily detaining, within the scope of their duties, an alien for DHS transfer to the same extent provided for

corresponding federal immunity. The United States shall be the proper defendant in any civil action arising from such detainer.

Immunity shall not apply in instances of mistreatment.

A victim (or family member of a deceased victim) of murder, rape, or certain felonies committed by an alien who has been convicted and sentenced to at least one year in prison may bring an action against a state or political subdivision that released such alien prior to the crime's commission as a consequence of the state or political subdivision's declining to honor a detainer.

Such an action may not be brought later than 10 years after the crime or the person's death because of such crime, whichever occurs later. A court shall allow a prevailing plaintiff attorney's fees and certain other costs.

(Sec. 4) DHS may detain an alien without time limitation during the pendency of removal proceedings. Bond is permitted only for an individual who is not a flight risk or a danger to another person or the community.

The bill expands the categories of offenses requiring mandatory detention during the pendency of removal proceedings to include an alien who: (1) is unlawfully present in the United States and has been convicted for driving while intoxicated, under the influence, or impaired by alcohol or drugs, without regard to whether the conviction is classified as a misdemeanor or felony under state law; and (2) is inadmissible for illegal entry or deportable by reason of visa revocation or violation of nonimmigrant status and who has been arrested or charged with a particularly serious crime or a crime resulting in the death or serious bodily injury of another person.

An alien subject to mandatory detention may not be released on bond.

The bill limits DOJ's review of DHS custody determinations for aliens who are in exclusion hearings, or who are excludable or deportable on security grounds or other specified grounds, to issues of whether such aliens may be detained or released with or without bond.

## Actions Timeline

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- **Jul 10, 2017:** Received in the Senate.
- **Jun 29, 2017:** Considered under the provisions of rule H. Res. 414. (consideration: CR H5316-5333)
- **Jun 29, 2017:** Rule provides for consideration of H.R. 3003 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Bill is closed to amendments.
- **Jun 29, 2017:** DEBATE - The House proceeded with one hour of debate on H.R. 3003.
- **Jun 29, 2017:** The previous question was ordered pursuant to the rule.
- **Jun 29, 2017:** Mrs. Demings moved to recommit with instructions to the Committee on the Judiciary. (text: CR H5332)
- **Jun 29, 2017:** DEBATE - The House proceeded with 10 minutes of debate on the Demings motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment to the Public Safety Exception subsection in which the State or a political subdivision of the State certifies to the Attorney General that compliance with the underlying bill would endanger public safety.
- **Jun 29, 2017:** The previous question on the motion to recommit with instructions was ordered without objection.
- **Jun 29, 2017:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Demings motion to recommit with instructions, Chair put the question on adoption of the motion to recommit and by voice vote announced that the yeas had prevailed. Mrs. Demings demanded the yeas and nays, and the Chair postponed further proceedings until later in the later legislative day.
- **Jun 29, 2017:** Considered as unfinished business. (consideration: CR H5353-5355)
- **Jun 29, 2017:** On motion to recommit with instructions Failed by the Yeas and Nays: 181 - 230 (Roll no. 341).
- **Jun 29, 2017:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 228 - 195 (Roll no. 342).(text: CR H5316-5318)
- **Jun 29, 2017:** On passage Passed by the Yeas and Nays: 228 - 195 (Roll no. 342). (text: CR H5316-5318)
- **Jun 29, 2017:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 28, 2017:** Rule H. Res. 414 passed House.
- **Jun 27, 2017:** Rules Committee Resolution H. Res. 414 Reported to House. Rule provides for consideration of H.R. 3003 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Bill is closed to amendments.
- **Jun 22, 2017:** Introduced in House
- **Jun 22, 2017:** Referred to the House Committee on the Judiciary.
- **Jun 22, 2017:** Referred to the Subcommittee on Immigration and Border Security.